

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

DEC 18 2018

mn

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 7: Rio Brazos

**NOTICE OF CLAIM TO THE USE OF WATER BASED ON THE TREATY OF
GUADALUPE HIDALGO IN THE RIO BRAZOS SUBSECTION OF SECTION 7
OF THE RIO CHAMA STREAM SYSTEM**

I have signed and approved a Consent Order in the adjudication of water rights in the Rio Brazos Subsection and would like to make a claim to the use of water based on the Treaty of Guadalupe Hidalgo. I have read the Court's Notice and Order to Show Cause in the Rio Brazos Subsection of Section 7 of the Rio Chama Stream System, and I understand that if I do not follow the instructions described in the Notice, my Treaty-based claim may be dismissed.

NAME(S): Joe P. Abeyta Jr. substitute party for Fernando Salazar (Deceased)

MAILING ADDRESS: 170 B Lower San Pedro Rd, Espanola, NM 87532

CONTACT PHONE: (505) 929-1367 (cell), (505) 747-8138 (home)

CONTACT E-MAIL: j.e.abeyta@valernet.com

ADDRESS OF PROPERTY: Los Ojos, NM 87551

CONSENT ORDER SUBFILE NUMBER (IF KNOWN): CHRB-007-0025

SIGNED BY: Joe P. Abeyta Jr. I now own this property and will file a motion for substitution of parties.

DATE: 12-14-18

*****SEE REVERSE SIDE FOR FILING INSTRUCTIONS*****

EXHIBIT 2

- Your completed form may be filed in person or mailed to:

**United States District Court Clerk
333 Lomas Blvd. NW
Suite 270
Albuquerque, NM 87102**

- Alternatively, you may file your completed form in person by bringing it to:

**United States District Court Clerk
106. S. Federal Place
Santa Fe, NM 87501**

- **Your completed form must be filed with the Court no later than:**

TUESDAY, DECEMBER 18, 2018

- Your Notice of Claim form must include enough contact information to enable the State to contact you in order to set up a conference regarding your Treaty-based claim. Any Notice of Claim form that does not include information sufficient for the State to contact you may not be considered by the Court.
- If you file a Notice of Claim form, please keep a copy of your completed form for your own records.
- If you have any questions about this form, or about the adjudication of water rights on the Rio Chama, please contact:

**Felicity Strachan
N.M. Office of the State Engineer
130 S. Capitol Street
Santa Fe, NM 87501
Phone: (505) 819-1044
Email: felicity.strachan@state.nm.us**

PERSONAL REPRESENTATIVE DEED

I, Joe P. Abeyta Jr., personal representative of the Estate of Fernando Salazar, deceased, appointed on May 28, 2009 by the Probate Court, County of Rio Arriba, New Mexico, Probate No. PB-2009-0017, grants to Joe P. Abeyta Jr., as an individual, whose address is Joe P. Abeyta Jr., 170B Lower San Pedro Rd., Espanola, New Mexico 87532, all the interest of the estate of Fernando Salazar, deceased, in and to the real estate located in Rio Arriba County, New Mexico:

PROPERTY

A parcel of property located in Parkview (Los Ojos), Rio Arriba County, NM, further described as follows:

"Ademas, un solar que mide aproximadamente 125 pies de oriente a poniente, y aproximadamente como 25 pies de norte a sur, conlindantes son como sigue; por el norte, con propiedad de Fernando Salazar; para el sur, con propiedad ahora o antes de Simodosea M. Salazar; para el oriente, con propiedad ahora o antes de Simodosea M. Salazar; y para el poniente, con propiedad de Simodosea M. Salazar, ahora o antes, extendiendo hasta arriba la ladera. Juntamente una casa de dos cuartos que estan hubicados en este mismo solar."

Being and intended to be a portion of the property contained in that deed recorded December 1, 1959 in Book 62, page 119, records of Rio Arriba County, New Mexico Clerk's office.

As per Commonwealth Espanola Title & Abstract Company Title Report # 6511003174A:

In the PUBIC OFFICIAL INDICES of the Real Estate Records of Rio Arriba County, New Mexico, in the office of COUNTY CLERK, TREASURER and DISTRICT COURT of Rio Arriba County, New Mexico from December 01, 1959 @ 8:00 to March 15, 2010 @ 8:00, covering the above described property are found the following records affecting title to said property:

Simodosea M. Salazar
TO: Fernando Salazar

WARRANTY DEED (SPANISH)
D: 12/01/1959
F: 12/01/1959
Book 62 Page 119

PROPERTY TAX DESCRIPTION:
Property # 1 018 172 020 499
Section-13 Township-29N Range-03E
0.09 AC.
Assessed under - Fernando Salazar
Owner # 0008629

The Estate of Fernando Salazar Deceased

By: Joe P. Abeyta Jr.
Joe P. Abeyta Jr., Personal Representative

STATE OF NEW MEXICO)
COUNTY OF RIO ARRIBA)

The foregoing instrument was acknowledged before me this 20 day of December 2010, by Joe P. Abeyta Jr., personal representative of the estate of Fernando Salazar, deceased.

[Signature]
Notary Public

My commission expires: 12/31/2010

**COMMONWEALTH ESPANOLA TITLE & ABSTRACT
COMPANY**

-TITLE REPORT-

6511003174A

PREPARED FOR: Fernando Salazar/Joe Abeyta

PROPERTY: Ademias, un solar que mide aproximadamente 125 pies de oriente a poniente, y aproximadamente como 25 pies de norte a sur, con lindantes son como sigue; por el norte, con propiedad de Fernando Salazar; para el sur, con propiedad ahora o antes de Simodosea M. Salazar; para el oriente, con propiedad ahora o antes de Simodesea M. Salazar; y para el poniente, con propiedad de Simodosea M. Salazar, ahora o antes, extendiendo hasta arriba la ladera. Juntamente una casa de dos cuartos que estan hubicados en este mismo solar.

In the PUBLIC OFFICIAL INDICES of the Real Estate Records of Rio Arriba County, New Mexico, in the office of COUNTY CLERK, TREASURER and DISTRICT COURT of Rio Arriba County, New Mexico, from April 30, 1970 @ 8:00 to March 15, 2010 @ 8:00, covering the above described property, and we find the following records affecting title to said property:

Simododea M. Salazar
TO: Fernando Salazar

WARRANTY DEED
D: 12/01/1959
F: 12/01/1959
Book 62 Page 119

Property Taxes – 2009 – 1st half – PAID
2nd half – OWING – TOTAL OWING \$72.87
Sec 13 T29N R 3E – 0.09 ac.
1-018-172-020-499
Assessed under – Fernando Salazar
Owner # 8629

THIS TITLE REPORT IS PREPARED SOLELY FOR INFORMATIONAL PURPOSES, AND THE COMPANY MAKES NO REPRESENTATIONS AS THE STATUS OF TITLE AND ASSUMES NO LIABILITY FOR THE LEGALITY OR SUFFICIENCY OF ANY DOCUMENT OR OTHER MATTER IN THE CHAIN OF TITLE. LIABILITY IS LIMITED TO THE AMOUNT PAID FOR THIS REPORT. THE CUSTOMER'S ACCEPTANCE OF THIS REPORT CONSTITUTES ACCEPTANCE OF THESE TERMS.

COMMONWEALTH ESPANOLA TITLE &
ABSTRACT CO.

By: 

Barney Vigil

ABEYTA, JOE P. JR.
170B LOWER SAN PERDO RD.
ESPANOLA, NM 87532

PLEASE REFER TO YOUR ACCOUNT NO. AND PARCEL NO. WHEN MAKING INQUIRIES OR PAYMENTS. WRITE BOTH NUMBERS ON YOUR CHECK TO INSURE PROPER CREDIT.

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Parola, NM 87532

EXPECTED DELIVERY DAY: 12/18/18

USPS TRACKING NUMBER



9505 5107 2788 8351 2531 01

* For international shipments, the maximum weight is 4 lbs.



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87102-2274

U.S. POSTAGE PAID
PM 1 DAY
LOS ALAMOS, NM
87544
DEC 17 '18
AMOUNT
\$6.20
R2305K137363-18

United States District Court clerk

333 Lomas Blvd. NW

Suite 270

Albuquerque, NM 87102



EP14H July 2013 Outer Dimension: 10 x 5